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12 Attorneys for Cross-Defendant
ART HALE, an individual

13 UNITED STATES DISTRICT COURT
14
15 CENTRAL DISTRICT OF CALIFORNIA

16 KB GARDENA BUILDING, LLC, a
California Limited Liability
17 Corporation,

18 Plaintiffs,

19 v.

20 WHITTAKER CORPORATION, a
Delaware Corporation, BRASSCRAFT
21 MANUFACTURING COMPANY, a
Michigan Corporation; BIG "B"
22 TRANSPORTATION, INC., a suspended
California Corporation, ALPHONSE
23 VANBASTELAAR, an individual,
INTERNATIONAL TRUCK AND
24 TRANSFER, INC., a California
Corporation; A&M LUMBER AND
25 BUILDING SUPPLY COMPANY, a
business entity, form unknown; A&M
26 LUMBER & WRECKING
COMPANY, a business entity, form
27 unknown; A&M FENCE COMPANY,
a business entity, form unknown;
28 CHROMIZING COMPANY, a

Case No. EDCV08-0600 RWG (JCRx)

**DECLARATION OF TODD M.
LANDER IN OPPOSITION TO
MOTION FOR SUMMARY
JUDGMENT**

Judge Assigned: Hon. Robert W.
Gettleman

[Concurrently filed with: Opposition to
Motion for Summary Judgment;
Responsive Statement of Genuine Issues;
Separate Statement of Additional Facts in
Dispute and Conclusions of Law;
Declaration of Art Hale, Jr.; Declaration
of Anthony Cincotta; and Declaration of
Robert L. Handler]

1 suspended California corporation;
 2 CHROMALLOY AMERICAN
 CORPORATION, a Delaware
 Corporation; Estate of ARTHUR H.
 3 KAPLAN, deceased; ROSE MAY
 KAPLAN, an individual; STANLEY
 4 BLACK, an individual; JOYCE
 BLACK, an individual; KB
 5 MANAGEMENT COMPANY, a
 California general partnership; JACK
 6 D. BLACK, an individual; JANIS
 (GOLDMAN) BLACK TRUST, a
 7 California Trust; JILL BLACK, an
 individual; K ASSOCIATES, a
 8 California general partnership; and
 A&R MANAGEMENT AND
 9 DEVELOPMENT CO., a business
 entity, form unknown ANSEN, INC., a
 10 suspended California Corporation;
 AMERICAN RACING EQUIPMENT,
 11 INC., a Delaware Corporation;
 AMERICAN RACING EQUIPMENT,
 12 LLC

13 Defendants.

14 AMERICAN RACING EQUIPMENT,
 15 LLC, a Delaware Limited Liability
 Company,

16 Cross Claimant,

17 v.

18 WHITTAKER CORPORATION, a
 19 Delaware corporation; BRASSCRAFT
 MANUFACTURING COMPANY, a
 20 Michigan Corporation; BIG "B"
 TRANSPORTATION, INC., a
 21 suspended California Corporation;
 ALPHONSE VANBASTELAAR, an
 22 individual; Estate of ARTHUR H.
 KAPLAN, deceased; ROSE MAY
 23 KAPLAN, an individual; STANLEY
 BLACK, an individual; JOYCE
 24 BLACK, an individual; JACK D.
 BLACK, an individual; JILL BLACK,
 25 an individual; JANIS (GOLDMAN)
 BLACK TRUST, a California trust; KB
 26 MANAGEMENT COMPANY, a
 California general partnership; K
 27 ASSOCIATES, a California general
 partnership; and A&R
 28 MANAGEMENT AND

1 DEVELOPMENT CO., a business
2 entity, form unknown, ART HALE, an
3 individual; ANSEN, INC., a suspended
California Corporation; LOUIS
SENDER, an individual.

4 Cross Defendants.

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7 AMERICAN RACING EQUIPMENT,
8 LLC a Delaware Limited Liability
Company,

9 Counter-Claimant,

10 v.

11 KB GARDENA BUILDING, LLC, a
12 California Limited Liability
Corporation,

13 Counter Defendant
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1 I, Todd M. Lander, declare that:

2 1. I am an attorney duly licensed to practice law in the state of
3 California, and I am a partner with the law firm of Ezra, Brutzkus, Gubner, LLP
4 (“EBG”), counsel of record in this matter for ART HALE, an individual. All the
5 facts set forth below are known to me personally to be true, unless stated to be on
6 information and belief, and if called upon to do so I could and would testify to
7 them under oath.

8 2. Attached hereto as Exhibit 1 are true and correct copies of excerpts of
9 the Deposition of Arthur Art Hale (“HALE”), taken August 11, 2009. I was
10 present at this deposition and declare that Exhibit 1 hereto is in fact true and
11 correct copies of excerpts of the identified deposition.

12 3. Attached hereto as Exhibit 2 is a true and correct copy of the Option
13 Agreement dated February 11, 1988, which was produced in this action by
14 Defendants, Cross-Claimant, and Counter-Claimant American Racing Equipment,
15 LLC (“ARE”), Bates numbered ARE 001 – ARE 0197, and which document is
16 attached as Exhibit A to the Declaration of Noel Wise in support of ARE’s Motion
17 for Summary Judgment.

18 4. Attached hereto as Exhibit 3 is a true and correct copy of documents
19 Bates numbered ARE 0293 and ARE 0294, entitled “Acceptance of Deposit” and
20 “Schedule A,” respectively, which documents were produced in this action by
21 ARE.

22 5. Attached hereto as Exhibit 4 is a true and correct copy of the
23 Agreement of Purchase and Sale dated March 12, 1975, Bates numbered WHI
24 00002277 through WHI 0002321, which document was produced in this matter by
25 Defendant WHITTAKER CORPORATION (“WHITTAKER”).

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1 6. Attached hereto as Exhibit 5 is a true and correct copy of the Guaranty
2 dated March 12, 1975, Bates numbered WHI 00002504 through WHI 00002507,
3 which document was produced in this matter by WHITTAKER.

4 7. Attached hereto as Exhibit 6 is a true and correct copy of a letter dated
5 May 5, 2009, from Kimberly D. Lewis of Ervin Cohen & Jessup LLP to HALE,
6 which letter was reviewed by me upon delivery of the letter by HALE to my office.

7 8. Attached hereto as exhibit 7 is a true and correct copy of a letter dated
8 July 15, 2009, from Kimberly D. Lewis of Ervin Cohen & Jessup LLP to Robert L.
9 Handler and me.

10 9. Attached hereto as Exhibit 8 is a true and correct copy of an email
11 dated March 9, 2010, from me to Kimberly Lewis with a copy to Robert Handler,
12 including the attached Notice and Acknowledgment of Receipt accepting service
13 of process on behalf of HALE, in his capacity as former president of Ansen, Inc.
14 only. My office did not accept service on behalf of Ansen, Inc.'s behalf,
15 something I made clear in my email to Ms. Lewis.

16 10. Attached hereto as Exhibit 9 is a true and correct copy of a letter dated
17 May 3, 2010, from David A. Giannotti to HALE and to Robert Handler of this
18 office, which letter was subsequently also provided to me by Mr. Handler.

19 11. Attached hereto as Exhibit 10 is a true and correct copy of a letter
20 dated June 11, 2010, from Robert Handler to David Giannotti, which letter was
21 also copied to me.

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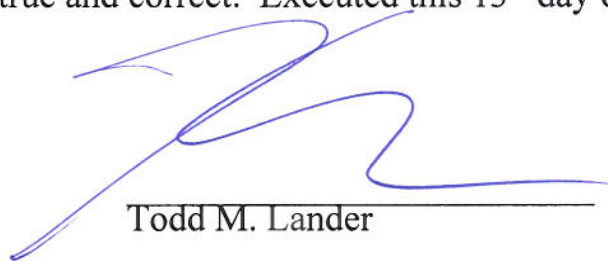
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1 I declare under penalty of perjury under the laws of the United States of
2 America that the foregoing is true and correct. Executed this 13th day of October,
3 2010.

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Todd M. Lander

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